



Council Business Meeting

October 3, 2023

Agenda Item	DEQ Presentation on Railyard Cleanup Plan		
From	Brandon Goldman	Community Development Director	
Contact	Brandon.goldman@ashland.or.us		
Item Type	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input checked="" type="checkbox"/>		

SUMMARY

Union Pacific Railroad has proposed a revised cleanup plan for contamination on a former rail yard site in Ashland, covering 11.7 acres for consideration by the Department of Environmental Quality. The plan aims to ready the site for safe industrial, commercial, or urban residential use by excavating contaminated soil from 8.7 acres and consolidating it on a three-acre portion of the property with a clean soil cap. DEQ's initial assessment is that this plan aligns with regulations, protects human health and the environment, and eliminates the need to transport contaminated soil through the community. Public comments will be considered before finalizing the plan.

POLICIES, PLANS & GOALS SUPPORTED

Comprehensive Plan – Economy Element

Goal 7.07.03 To ensure that the local economy increases in its health, and diversifies in the number, type, and size of businesses consistent with the local social needs, public service capabilities, and the retention of a high quality environment. *Policy 1)*The City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents and a portion of rural residents consistent with the population projection for the urban area. *Policy 4)* ... the City shall take such actions as are necessary to ensure that economic development can occur in a timely and efficient manner...

BACKGROUND AND ADDITIONAL INFORMATION

In 1993, Southern Pacific Railroad, the original owner of a 21-acre property in Ashland, Oregon, initiated efforts to address contamination associated with rail yard operations on the site. However, by 1996, Southern Pacific Railroad merged with Union Pacific, which brought the property under the Union Pacific umbrella.

Over the years, the Department of Environmental Quality (DEQ), the regulatory authority regarding cleanup of this property, issued determinations indicating that no further action was required for approximately western 6.4 acres of the original 21-acre site. Concurrently, it was determined that the eastern most 2.85 acres of the property had no historical connection to rail yard activities and were instead being used for agricultural purposes and thus not subject to any cleanup requirements. Over the last decade the eastern 6.4 acres of the original railyard has been largely developed with multi-story mixed-use buildings. The western 2.85 acres remains undeveloped. The remaining 11.7 acres of the property has been identified as containing contaminants in the soil and therefore necessitates an environmental cleanup to ready the land for potential uses such as industrial, commercial, or urban residential development.





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The property owner, Union Pacific Railroad has prepared remediation plan for a voluntary cleanup of the 11.7 acre which involves the removal of contaminated soil from an 8.7-acre area, which will then be consolidated on a three-acre section of the site with the addition of a vegetated cap. Furthermore, upon completion of the voluntary cleanup deed restrictions will be implemented to prevent any future single-family residential development and to ensure the long-term effectiveness of the capped area, yet allowing for uses consistent with the City's E-1 employment zone.

In March of this year the Planning Commission and City Council approved a request modify a deed restriction placed on the railyard to require the cleanup of the site meet a DEQ's clearance requirements at a "urban residential" standard. Union Pacific Railroad's proposed cleanup plan for the railyard currently under consideration by DEQ achieves an urban residential cleanup standard.

After conducting a thorough review, DEQ has determined that this revised plan complies with state regulations, effectively protects human health and the environment, and importantly, avoids the previous practice of transporting contaminated soil through the local community for disposal. The next step in the process involves seeking public input before DEQ finalizes the cleanup plan through the issuance of a new Record of Decision. DEQ is holding a public open house on September 27th at the Ashland Library, and has agreed to present an overview of the proposed cleanup plan to the City Council on October 3rd, 2023 to receive additional comments from the City for their consideration. '

More information on the history and cleanup proposal is available on the City of Ashland Website located here:

<https://www.ashland.or.us/Page.asp?NavID=16813>.

Public comments regarding the remediation plan should be provided directly to DEQ here:

margaret.oscilia@deq.oregon.gov.

FISCAL IMPACTS

There are no near-term fiscal impacts for the City. Future development of the railyard site following completion of a DEQ approved remediation plan could yield significant economic activity and City tax revenues.

STAFF RECOMMENDATION

Staff recommendations and questions relating to the proposed remediation plan were provided to DEQ in December 2022 (attachment#2) and received response in March 2023 (attachment #3). DEQ will review the comments submitted by the Council and public to understand their perspectives, questions, and any concerns regarding the proposed cleanup plan.

DISCUSSION QUESTIONS

Does the Council have any questions or comments for DEQ's consideration regarding the proposed Railyard Recommended Remediation Plan?

POTENTIAL MOTION/ COMMENT TO DEQ

If after the presentation by DEQ and UPRR, individual Councilors can provide comments, or could consider providing a joint comment in the form of a motion, to forward to the Department of Environmental Quality for consideration in their review and Record of Decision. Although a formal motion is not required, the Council could consider one of three example below, or an alternatively worded motion to reflect Council direction.

Motion to Approve the Ashland Railyard Remediation Plan with Encapsulation for Public Health Protection:

- Motion: I move that the City Council formally requests the Department of Environmental Quality to approve the Recommended Revision of the Remediation Action Plan for the Union Pacific Rail Yard Site (ECSI #1146) as proposed, with the condition that 8.7 acres are cleaned to the urban residential standard, and the remaining 3 acres are encapsulated and deed restricted to protect public health. We believe that this approach strikes a balance between development interests and safeguarding the well-being of our community while ensuring that the site is developed responsibly.

Motions to Deny the Ashland Railyard Remediation Plan as proposed:

- Motion: I move that the City Council formally requests the Department of Environmental Quality deny the Recommended Revision of the Remediation Action Plan for the Union Pacific Rail Yard Site (ECSI #1146) in its current form, citing concerns over its potential impact on public health and safety relating to the long term retention of contaminants on-site within the 3-acre encapsulated portion as proposed. We urge the Department to work closely with stakeholders and develop a more comprehensive remediation plan that ensures the complete removal of hazardous levels of contaminants from the entire 11.7-acre site..

Motions to amend the Ashland Railyard Remediation Plan as proposed:

- Motion: I move that the City Council formally requests the Department of Environmental Quality to amend the Recommended Revision of the Remediation Action Plan for the Union Pacific Rail Yard Site (ECSI #1146) to include a provision mandating the removal of designated contaminants from the site to achieve an urban residential standard for the full 11.7 acres, with removal of the contaminated soil by rail consistent with the 2016 cleanup plan, in leu of consolidating them onto a 3 acre portion of the property. We emphasize the importance of long term environmental responsibility and request the Department to work collaboratively with the responsible parties to implement this amendment.

These motions provide different options for the City Council to consider, each reflecting a distinct approach to the Ashland Railyard Remediation Plan and its potential impact on the site's development and public health. The Council can discuss and vote on these motions to determine their stance on the issue and formally communicate their request to the Department of Environmental Quality.



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REFERENCES & ATTACHMENTS

Attachment #1: DEQ Staff Report- Railyard Recommended Remediation Plan

Attachment #2: City Staff Comments/Questions to DEQ on the proposed Remediation Plan

Attachment #3: DEQ Response To City Comments dated 03-10-2023

Attachment #4: Public Comments received.

Attachment #5: DEQ Ashland Railyard Public Notice